

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of)
Guillaume Ribadeau-Dumas et al.)
Serial No. : 09/305,178) Art Unit: 1761
Filed: May 4, 1999) Examiner: Corbin, Arthur L.

For : SWEETENING COMPOSITION AND ITS USES

DECLARATION UNDER RULE 132

To Honorable Commissioner of Patents and Trademarks
Washington, D.C.

Sir :

I, RIBADEAU DUMAS Guillaume , 18 rue Claude Monet,
69237 Verlinghem, France do solemnly declare :

THAT I have been working with the firm ROQUETTE FRERES
since December 1992 and that I held the position of Food
Applications Department Manager since January 2001;

THAT I am a named inventor of the present patent
application n° 09/305,178 and that I am fully familiar
therewith ;

THAT I have read and understood the Office Action of
March 28, 2003 in connection with the present patent
application ;

THAT the experiments described in the attached test
report were carried out under my supervision ;

THAT, low soluble polyols, like mannitol alone cannot be
used to prepare boiled sugars since the heated mass
immediately crystallises when poured onto a marble surface ;

THAT a white and irregular mass is obtained which does
not allow the obtention of boiled sugars (see photograph 1);
(Mannitol)

· THAT, maltitol alone, Composition D, cannot be used to prepare boiled sugar since the obtained sugars which initially seem correct (see photograph 2) will drastically flow (see photograph 3) ;

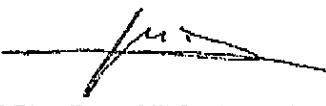
· THAT, using a composition (composition C) of a hydrogenated dextrin LAB 2547 and maltitol, boiled sugars are obtained, however they flow (see photograph 4) and they are sticky ;

· THAT, using a composition (composition B) of mannitol and a hydrogenated pyrodextrin, boiled sugars are obtained which are correct initially (see photograph 5) and which after 10 day-storage become slightly opaque in surface because of a microcrystallization on the surface, and do not deform and remain stable when kept at room temperature (see photograph 6) ;

· THAT, only Composition B allows the obtention of stable and satisfactory boiled sugars.

I, the undersigned, declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001, of Title 18, of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 8th, 2003



RIBADEAU DUMAS Guillaume

- 1 -

Attachment A

Clean version of the claims

48. A boiled sugar composition comprising:

- a) at least one soluble compound with a solubility in water of less than 60 g per 100 g of solution at 20°C selected from the group consisting of trehalose, lactose, mannose, maltose, erythritol, mannitol, glucopyranosido-1,6-mannitol and lactitol and
- b) at least one anti-crystallising agent comprising a fraction of at least one compound selected from the group consisting of pyrodextrins with a molecular weight in the range of 1000 to 8000 daltons

whereby the boiled sugar composition presents a microcrystallized surface layer.

49. A boiled sugar composition according to claim 48, having a glass transition temperature above ambient temperature.

50. A boiled sugar composition according to claim 48, having a glass transition temperature of greater than 30°C for its effective water content.

51. (New) The boiled sugar composition according to claim 48, wherein the anti-crystallizing agent is hydrogenated or oxidized.

52. (New) The boiled sugar composition according to claim 48, wherein the ratio by weight of anti-crystallizing agent to the soluble compound is in the range of 10/90 to 90/10.

- 2 -

53. (New) The boiled sugar composition according to claim 48, wherein the ratio by weight of anti-crystallizing agent to the soluble compound is in the range of 20/80 to 80/20.

54. (amended) A boiled sugar composition comprising by weight on a dry basis 25% to 35% of mannitol and by weight on a dry basis 65% to 75% of a fraction of hydrogenated dextrans, whereby the boiled sugar composition presents a microcrystallized surface layer.

55. (amended) The boiled sugar composition according to claim 54, comprising by weight on a dry basis 65% to 75% of mannitol and by weight on a dry basis 25% to 35% of a fraction of hydrogenated dextrans.

56. A boiled sugar composition according to claim 48, wherein the pyrodextrins present a molecular weight in the range of 4000 to 5000 daltons.--

- 1 -

Attachment B

Marked-up version of the claims

48. A boiled sugar composition comprising:

- a) at least one soluble compound with a solubility in water of less than 60 g per 100 g of solution at 20°C selected from the group consisting of trehalose, lactose, mannose, maltose, erythritol, mannitol, glucopyranosido-1,6-mannitol and lactitol and
- b) at least one anti-crystallising agent comprising a fraction of at least one compound selected from the group consisting of pyrodextrins with a molecular weight in the range of 1000 to 8000 daltons

whereby the boiled sugar composition presents a microcrystallized surface layer.

49. A boiled sugar composition according to claim 48, having a glass transition temperature above ambient temperature.

50. A boiled sugar composition according to claim 48, having a glass transition temperature of greater than 30°C for its effective water content.

51. (New) The boiled sugar composition according to claim 48, wherein the anti-crystallizing agent is hydrogenated or oxidized.

52. (New) The boiled sugar composition according to claim 48, wherein the ratio by weight of anti-crystallizing agent to the soluble compound is in the range of 10/90 to 90/10.

- 2 -

53. (New) The boiled sugar composition according to claim 48, wherein the ratio by weight of anti-crystallizing agent to the soluble compound is in the range of 20/80 to 80/20.

54. (amended) [The] A Boiled sugar composition [according to claim 48] comprising by weight on a dry basis 25% to 35% of mannitol and by weight on a dry basis 65% to 75% of a fraction of hydrogenated dextrans, whereby the boiled sugar composition presents a microcrystallized surface layer.

55. (amended) The boiled sugar composition according to claim [48] 54, comprising by weight on a dry basis 65% to 75% of mannitol and by weight on a dry basis 25% to 35% of a fraction of hydrogenated dextrans.

56. A boiled sugar composition according to claim 48, wherein the pyrodextrins present a molecular weight in the range of 4000 to 5000 daltons.~